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UNITED STATES OF AMERICA.













**WILLIAM WHEELER HUBBELL,**

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(U. S. Service Shell and Fuze.)



# THE WAY

TO SECURE

PEACE AND ESTABLISH UNITY

AS

# ONE NATION,

BY

WILLIAM WHEELER<sup>l</sup> HUBBELL.  
<sub>ll</sub>

PHILADELPHIA, PENNSYLVANIA.

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no change by usurpation.

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THE WAY  
TO SECURE  
PEACE AND ESTABLISH UNITY  
AS  
ONE NATION.

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TO THE UNION, OR PATRIOTIC CITIZENS OF THE UNITED STATES OF AMERICA:

I propose to address you—in fact every patriotic citizen—on the most vital of all subjects at present to the welfare of this country: That is—The determination of the true basis on which to restore and strengthen the Union, or Nation, of the United States, with its Popular Constitutional Government.

In presenting this basis, I shall use as few words as possible, consistent with an understanding of the propositions.

In contemplating the subject, the following truths will be borne in mind; their recognition is essential to calm the turbulent passions of the hour, and prevent errors of judgment.

FIRST. A truly great government is never weakened nor dishonored by a readiness at any and all times to fulfil the duties for which it was created.

That governments are established *for Protection*, and to promote *peace*: and not for war. War is only an incident for self defence and peace, particularly with a popular or republican government.

Civil war is both destructive of the prosperous elements of civilization and of popular government; and tends to a despotism or government of force.

Popular government rests on the *free will* of the people; not on duress or force, and in this respect it differs from all other governments.

*Protection*, and the exercise of the *free will of the people*, are the principal elements in a popular government. Protection extended by the Government; and in return, the free will of the people to sustain and carry on the government.

SECOND. LEGAL rights in the respective STATES should be acquiesced in by all the people of all the States through the United States Government. No portion or section of the people have any just right to seek to employ the United States Government to jeopardize or disturb legal State rights. The original formation of the States, and their admission as States into the Union, implies that the people will so acquiesce by abstaining from such interference. Without such acquiescence there can be no permanent Union. And as governments do not rest entirely on individual acquiescence; but do rest on Constitutional embodiments, expressing their determination, as the Supreme Law of the land or Nation; the principle of such acquiescence is the proper subject of specific Constitutional guarantee.

The legal rights, interests and property of all, as recognized within and by the several States, should be protected by the United States Government. Such was the object of its creation.

THIRD. God made Africa for the African: it belongs to him and his descendants by natural right. To the white man he gave other countries, and superior intelligence, and faculties for the establishment of civilized life, first in his own, and afterwards in other countries. And it is a civilized and Christian duty, to gradually restore the African to his native, and still

barbarous country, with the advantages he may be able to acquire, for the civilization or improvement of his race. When he has civilized his own, he may have a right to seek to settle other countries, but not before. Thus the white man did.

Bearing these truths and principles in mind, the Union can be restored and strengthened, essentially on the following basis, as special amendments, or permanent guarantees to the Constitution of the United States. They secure National rights, and State rights, and Personal rights.

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It is an unfortunate fact, that the Constitution nowhere recognizes the existence of God; nor the Divine origin of the Holy Bible, the foundation of our civilization. Of the impropriety of this omission I need say nothing to a civilized people.

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#### AMENDMENTS PROPOSED TO THE CONSTITUTION OF THE UNITED STATES, FOR THE ESTABLISHMENT OF UNITY AND PERMANENT TRANQUILLITY.

ARTICLE 1—*Section 1.* All persons have the right peaceably to assemble and worship God according to the dictates of their own conscience.

*Section 2.* The use of the public press shall not be obstructed; but publications made in one State against the lawful institutions of another State shall not be allowed.

*Section 3.* The right of citizens to free and lawful speech in public assemblies shall not be denied. Access of citizens to the ballot-box shall not be obstructed either by civil or military power. The military shall always be subordinate to the existing judicial authority over citizens. The privilege of the writ of Habeas Corpus shall never be suspended in the presence of the judicial authority. And a declaration of martial law shall aid, but not supersede the civil power over citizens.

*Section 4.* The militia of a State or of the United States

shall not be employed to invade the lawful rights of the people of another State; but the United States shall not be hereby deprived of the right and power to defend and protect its property and rights within the limits of any of the States.

ARTICLE 2—*Section 1.* Persons held to service or labor for life, in any State under the laws thereof, may be taken into any Territory of the United States, south of latitude thirty-six degrees thirty minutes, and the right to such service or labor shall not be impaired thereby. And any territorial legislature shall have the exclusive right to make all needful rules and regulations for the protection of such right, and of such persons, and for the maintenance and treatment of such persons and their descendants, in their domestic relations. But Congress, or any territorial legislature, shall not have power to impair or abolish such right of service in the said territory, without the consent of all the States which maintain such service.

*Section 2.* Involuntary servitude, except for crime, shall not be permanently established within the district set apart for the seat of government of the United States; but the right of sojourn with persons held to service or labor for life, in such district, shall not be denied.

ARTICLE 3. When any Territory of the United States shall have a population equal to the ratio of representation for one member of Congress, and the people shall have formed a Constitution for a republican form of government, it shall be admitted as a State into the Union, on an equal footing with the other States; and the people may in the Constitution for such State, either prohibit or sustain the right to labor or service, and alter or amend the Constitution at their will. But no State north of latitude thirty six degrees thirty minutes, shall establish a permanent right to service or labor for life, except as a punishment for crime.

ARTICLE 4—*Section 1.* The present right of representation in Section 2, Article 1. of this Constitution, shall not be altered without the consent of all the States maintaining the right to service or labor for life.

*Section 2.* The regulation of the right to labor or service in any of the States, is hereby recognized to be exclusively the right of each State within its own limits; and this Constitution

shall not be altered or amended to impair this right of each State without its consent. Provided: This article shall not be construed to absolve the United States Government from rendering assistance to suppress insurrections or domestic violence, as provided in Section 4, Article 4, of this Constitution.

ARTICLE 5. No State shall pass any law in any way interfering with or obstructing the recovery of fugitives from justice, or from labor or service, or any law of Congress made under Article 4, Section 2, of this Constitution; and all laws in violation of this article, may be declared void by the Supreme Court of the United States, at the suit of any State.

ARTICLE 6. As a permanent right of comity between the several States south of latitude thirty-six degrees, thirty minutes, the right of transit with persons held to labor or service for life, or for years, from one State through another, shall not be interfered with, without the consent of all the States maintaining such service.

ARTICLE 7. Whenever any State within the United States, shall grant by law to citizens of other States, the right of sojourn for a limited period with persons held to service or labor, if such persons escape, they shall be subject to recovery as fugitives, and returned to the State from which they were brought.

ARTICLE 8. The traffic in slaves with Africa is hereby forever prohibited, on pain of death, and the forfeiture of all the rights and property of persons engaged therein. And the descendants of Africans shall not be made citizens; but no free State shall deny to such persons when free, a right of residence.

ARTICLE 9. Persons held to service or labor for life, under the laws of any State or Territory, shall not be taken into any Territory of the United States, while in a territorial condition, north of latitude thirty six degrees, thirty minutes.

ARTICLE 10. Alleged fugitives from labor or service, on request, shall have a trial by jury at the place to which they may be returned.

*Section 2.* All alleged fugitives charged with crime committed in violation of the laws of the State from which they fled, shall, on demand, be returned to such State, and shall have the right of trial by jury, and if such person claims

to be a citizen of another State, shall have a right of appeal, or of writ of error to the Supreme Court of the United States.

ARTICLE 11. Citizens of any State sojourning in another State, shall not be subject to violence or punishment, nor injured in their persons or property, without trial by jury and due process of law. And shall have a right of appeal or writ of error to the Supreme Court of the United States.

ARTICLE 12. All acts of any inhabitant of the United States, tending to incite persons held to service or labor, to insurrection or acts of domestic violence, or to abscond, shall be considered and prohibited as contrary to law, and a penal offence; and all the courts of the United States shall be open to suppress and punish such offences, at the suit of any citizen of the United States, or the suit of any State.

ARTICLE 13—*Section 1.* All conspiracies in any State, to interfere with lawful rights in any other State, or against the United States, shall be suppressed.

*Section 2.* No State, or the people thereof, shall withdraw from this Nation, or Union, without the consent of three-fourths of all the States, expressed by an amendment proposed and ratified in the manner provided in Article V. of the Constitution.

ARTICLE 14—*Section 1.* Whenever any State wherein involuntary servitude is recognized or allowed, and adjoining any State wherein such servitude is forbidden, shall propose to abolish such servitude, and apply for pecuniary relief, the Congress may grant such relief, not exceeding one hundred dollars for each person liberated. But Congress shall not propose such abolishment or relief to any State.

*Section 2.* Congress may assist free persons of African descent to emigrate and civilize Africa.

ARTICLE 15. Duties on imports may be imposed for revenue; but shall not be excessive, or prohibitory, in amount.

ARTICLE 16. Congress may authorize the issue of bills of credit, and make the same a legal tender in payment of debts, public and private; but such issue shall not exceed the rate of twenty dollars for each white inhabitant of the United States.

ARTICLE 17. The Constitution of the United States, and its Amendments, are hereby declared to constitute the People of the United States, One Nation, and are the supreme law of the



land, together with all laws made to carry them into effect. And all other powers not prohibited to the States, are inherent in and reserved, to be exercised by the States, or the people thereof, respectively.

ARTICLE 18. All material of war, and debts, or obligations, incurred in relation thereto, by any of the States, separately or together, may be ascertained, and assumed, or disposed of, on equitable principles, by the Congress of the United States.

ARTICLE 19. The Articles, Two, Three, Four, Five, Six, Seven, Eight, Nine, Ten, Eleven, Twelve, Thirteen, Fourteen, Fifteen, and Nineteen, of these Amendments, or either of them, shall not be altered, except by the consent of all the States which maintain service or labor for life.

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#### METHOD OF PROCEDURE UNDER THE CONSTITUTION.

That the President of the United States shall forthwith convene Congress to propose such measures. That the Congress shall propose the Amendments to the States, and propose that the Legislatures of the several States be convened to consider and ratify the same. And that Congress at the same time alternatively direct and propose, that if within sixty days sixteen of the States now represented in the Senate of the United States, shall not ratify the same, the President shall forthwith issue his Proclamation requesting the people of the several States, on the thirtieth day thereafter, to elect delegates to form a Convention in each State, to assemble within twenty days at their respective State Capitals, and ratify or reject the same, and that the States not represented in the United States Senate, be requested to ratify or reject the same within ninety days thereafter.

That if the present President and Congress will not propose such measures, they, or such as may be approved, be still adhered to permanently, and made the National Platform of the Democratic party for the election of a President and Congress, and State Conventions, Governors and Legislatures,

which will propose, and act, and ratify the same, that peace and prosperity, union and nationality may once more bless our Country.

In tendering such guarantees, let it be distinctly understood that they are open to suggestions, and are made as between sovereign States on an equal footing, and in the manner and form as directed by the Constitution, with the unalterable determination that the Union shall be maintained. The Southern States will understand the meaning of this language without any threats, which would, of course, be repugnant to them as sovereign States, and not proper on such an occasion. The army and navy should, however, be kept in complete effective condition for any national purposes, and retain all their positions.

These propositions are written full and clear, to avoid the conflict of legislation on these subjects in Congress as far as possible, and establish a permanent law, until slavery shall become extinguished, by the slow, but sure application of those natural principles of interest, personal and national, which govern the order and economy of labor as compared with production; and this is purely a question of practice, and not of politics.

Consider these amendments or guarantees well; all who would restore and strengthen the Union; all who desire to continue a constitutional, popular government; and who are opposed to a despotism or a government of force. They secure the Northern citizen as well as the Southern in his rights. Remember that as a matter of fact, States are now arrayed in war against States. The differences are not irreconcilable with a popular constitutional government; they are perfectly under control and within its sphere. The pen properly wielded is mightier than the sword, or than "thunderbolt shells," and flashing artillery; they convince of nothing but the science and destructive power of man. The pen is the arbiter of peace and good-will.

As to the changes occurring, and likely to occur, in relation to the voluntary, and involuntary or slave labor of the country; the principle of relief or compensation, coupled with civilized colonization of the African, substantially as originated by Abra-

ham Lincoln, is at once Christian like, patriotic and just; and better to operate gradually as here specified, and together with the establishment of a geographical, or the Missouri compromise line, which I with many others urged at an early day. But the change must be voluntary, not one of coercion.

Extensive and well settled systems of labor, slave labor particularly, the result of years of practice and tuition, of a naturally barbaric race of people, still barbaric to the lowest degree in their native country, though the most luxuriant in the world, cannot be rapidly disturbed, without convulsing the commercial, agricultural, and manufacturing interests, with which its productions are intimately interwoven. To suddenly free the slaves, and thus relieve them of their accustomed order and system of labor, would produce a civil convulsion and anarchy, such as the world has never witnessed. They would become adventurous and uncontrollable in the South, and would also overrun the Northern States. This would result in a guerilla war of extermination of the blacks, or else their reduction and submission again to a servile condition. 'Tis better, far better for them, for this nation, and for the world, to be content to gradually colonize them in Africa, to civilize their own race in their native and rightful country, and thus stop slavery there at its fountain head, than to suddenly free them, in this the country of their servitude to another race of men.

Besides, it is not fairly within the civil rights or powers of the Federal Government to free slaves within the States or the Territories of the United States; though it is within its power to free them within the District of Columbia (as has been done,) in which it has expressly by the Constitution, the right "to exercise exclusive legislation in all cases whatsoever;" and "to exercise *like authority*, over all places purchased by the consent of the legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings."

It should be here observed, that the "*like authority*" is not given over the "*Territories*" of the United States; but very different language is used in Article IV., Section 4, respecting the "Territory or other property belonging to the United

States;" it is simply a power "to dispose of and make *all needful rules and regulations.*"

"Needful rules and regulations" does not mean a right to legislate away or exclude the rights of citizens of all or any of the States from the Territory. It means simply "needful rules and regulations" *to protect citizens of the States in their respective State rights, in common in the Territory.*

To illustrate: Both bodies corporate and politic have the right to make "needful rules and regulations," but that does not give a legislative power to divest legal rights, nor to alter their charters, or constitutions. The "rules and regulations" must always be *to protect* existing rights, under and in accordance with the charters or constitutions. The Southern States have a legal right to this protection in the Territory, and only when the Territory becomes a sovereign State it has the power to exclude slavery. If this protection be denied to the Southern States in the Territories, the Federal Government, which holds the territorial lands in trust only for the use and benefit of the people, denies to them that protection which it is the duty of the Government to grant; and fails to fulfil the functions which every citizen has a right to demand from the Government: that is, the protection of existing rights in everything or person he can carry with him, into the Territories.

To give such protection, governments are constituted.

The Federal Government at Washington, has not fairly a legal power or right *to exclude* any transferable state-right from the Territories, and in this particular the complaints of the South, of interference, are legally just, however much I or any one else may be opposed to slavery in a moral sense. It is not properly a political subject, as it is not a question of policy. It is a question of right and constitutional law, and binding upon the Government.

On the other hand, the Secession doctrine of the South, now in rebellion, is equally unlawful, and repugnant to a sense of justice and nationality. The Union, if it rested on the mere pleasure for the time of each State would be no Union, no Government at all. The two wrongs, namely: Interference with legal State Rights as to Slavery in the Territories, and the Secession Acts, which have resulted in war, do not make a

right. A conquest on either side will not establish a right, nor produce any permanent settlement for the prosperity of the country. To separate, would lay the foundation for perpetual strife; or without a natural division, the two sections would tend to adhere, and reunite by the mutual and natural attraction of race, kindred, interest, and territory.

Why not settle this matter on this latter basis at once, by making the Constitution clear and express? The South will accept it when tendered in a Constitutional and positive manner. The North will be satisfied; and the Union will both be strengthened and restored, and we shall have a permanent Nation.

Blood enough has been shed to satisfy the most credulous, that the truth I expressed in connection with very similar propositions in January, 1861: "That the Union could never be cemented with blood and the bayonet," was a truth which always must apply to a government founded on the free will of the people; and it applies with great force in this country, with its immense territorial limits, and variety of climate, which necessarily greatly embarrasses military operations of one section against another. No man has greater facilities for appreciating the power of the enginery of war developed, and which may be developed, than myself; but I cannot conclude that it will maintain the Union founded on Popular will.

The Constitution made protective and satisfactory to all sections or States, expressly on its face, by permanent guarantees, is the only remedy, and safe bond of perpetuity of the Union or Nation.

Military proclamations, founded on the plea of "military necessity," and intended to have a legal civil effect, to free the slaves, are both impolitic and unlawful, however patriotic and well intended they may be: they give the appearance of an excessive or impetuous haste, simply to free the slaves, right or wrong. I know that the position of his Excellency, the President, is practically a very embarrassing one. It is easy to discover faults, but not so easy to lead a nation on great and momentous occasions; and hence I do not mean to censure. But such Proclamations can have no lawful effect beyond the actual lines, and actual custody of the army or military power; and if in-

tended to have a civil effect, or effect beyond the military custody, under such a plea "military necessity," might be fairly considered an express admission or declaration of military weakness.

Protection is the vital function or duty of this Government.

Plain truths, calmly and fully considered, are elements of the greatest strength and importance to the country.

The extension of this protection, both civil and military, to the Border States at an early day, would be an act of justice to them, and would also disarm the rebellion in the South, and those in arms would disperse, satisfied with such guarantees, and return to their allegiance.

The Confiscation Act of the Thirty-seventh Congress, should be repealed: the aim of the Government should be to heal animosities, not to sow the seed of discord and perpetual hostility; which that act inevitably does. The Proclamation of Emancipation should be limited to the actual lines of the army, and the positive custody of the persons to be freed under it, as prisoners of war and rights of the enemy, captured and set free.

I have not dealt in vague words or abstract theories about the settlement of our difficulties. The proposed amendments give a distinct form; the Constitution directs the mode; we have only to follow its directions. With these amendments made to the Constitution, the domestic security of the South would be expressly guaranteed and made certain. Though few in number, the Slave States would feel safe, and the arbiters of their own social condition and system of labor. And under the principles of self-interest, governing the economy of labor and production, and the operation of protection, payment and colonization, before embodied in form in the Amendments, involuntary servitude will gradually and entirely disappear from this continent, and Africa be permanently civilized to the utmost practicable extent, with her own people, and without any injury to the industrial interests of this country; but with great advantage in fact to the material wealth of the whole world.

I, of course, am aware that slavery in the abstract, is inconsistent with the avowed principles of this Free or Popular Government, and could not originally be created under it as a National institution; but I can go no further. It must be considered in its true light, as an absolute *old State right*. Such

it was before, and such it is under the Constitution. The existence of slavery as a legal right in the States, was antecedent to that of the Federal Government; and the Constitution of the United States, in obedience to that fact, three times recognizes its existence as a legal right in the States; first, in the three-fifths representation; second, in the restoration of fugitives; third, in the absolute State Right of importation prior to 1808. The right in the slave is simply a right to the labor or service, and to the custody of the person so far as that is necessary. This right of custody is what the Constitution recognizes: the right to the service or labour, and the custody for such purpose, is the extent of the property. There is no absolute right of property over the person or life; mal-treatment of the slave is punishable; and reasonable care is exacted, both medical, and as to labor and provisions, shelter and clothing, by all of the Southern States, notwithstanding all the novels and fictitious stories to the contrary. The necessities, tastes and uses for its continuance, or abolishment, in different parts of the country have greatly varied since the formation of our Federal Government. But nevertheless the legal and equitable State rights concerning it under the Federal Government have not varied one particle.

The principles of law and equity, which must have been understood when the Constitution was formed, never change. They are alike potent to protect the weakest man though he stood alone, as they are to protect the most numerous community or majority. Such is the object of the establishment of constitutional government.

With a constitutional government, the majority in power may shape matters of *policy* under and in accordance with the Constitution. But never to override, and substitute political facts, for and in place of the Constitution. Such an act would convert the government into a political government; and it then necessarily ceases to have the stability, and permanent character of a constitutional government, and begins to approach anarchy, or an accidental condition, liable to change with every election, and to produce sudden convulsions and revolutions.

The act of the late (the 37th) Congress, prohibiting Slavery in all the Territories, however humane in the abstract, and well

meant it may be, is in fact, the substitution of a political government for and in place of the constitutional government. No such act is authorized by the Constitution.

In the propositions for an amendment of the Constitution herein expressed, this subject is made a specific *constitutional* matter, prohibiting it North, and protecting it South of latitude 36° 30', subject to State sovereignty, which entirely removes it from Congress and the national political arena.

As to Slavery compared with Polygamy, it may be remarked, that, a legal right existing anterior to the Federal Government, and recognized by it, such as Slavery, though not "Slavery" in the ancient sense; but involuntary servitude regulated by State laws, defining the rights and duties both of the master and the servant or slave, as exists in the South, stands on a very different footing from that new domestic relation in Utah Territory, "Polygamy," which has been set up, *de novo*, without the sanction of any State, or the United States. Polygamy cannot be maintained in a Territory as a State right, for no State exists, and none will be admitted tolerating it. It cannot therefore be set up as a legal right under the Government, nor under the proposed articles of amendment.

Patriotic citizens who would save and strengthen the Union, must look to the legal and equitable principles existing at the time the Constitution was formed, and not to their sectional or individual tastes or preferences. No government that man could erect would stand or endure upon any other basis. The sense of the Constitution must comprehend the whole nation, not simply a sectional portion; it must include the whole people of the States and all their State rights; not simply the rights and views of one section as concerning themselves, and their tastes, habits, and the physical facts with which they are surrounded. The political condition of affairs, and the civil and social state of society as it now exists, and special provisions in the Constitution to regulate the subject, were not definitely anticipated by the framers of the Constitution, for the manifest reason, that the immediate certain causes for them did not exist, and they were not clearly indicated. Though the wisdom of our forefathers was such, that there is nothing prohibitory in the Constitution, nor inconsistent with the principles involved



in these sections embodied herein (from 1 to 19); and they provided a manner of amending the Constitution, which fact implies that it might need amendment.

The amendments proposed are the true natural result of the Constitution, pursuing the principles on which it is based; and the Patriots of '76 have left something for us to do, in our day and generation, in pursuit of the principles they established, and in accordance with the physical, social and political facts, existing at the present time.

The power of amendment is given in the Constitution in the following words:

“ARTICLE 5. Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by Congress; provided that no amendment which may be made prior to the year one thousand eight hundred and eight, shall in any manner affect the first and fourth clauses in the ninth section of the first Article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.”

As to the provisos. The first *prevented the prohibition* of the importation of African slaves prior to the year 1808, and therefore the Constitution sanctioned their introduction by the States up to that time. The *first* clause of the ninth Section, Article 1, says, “The migration, or *importation*, of such persons as any of the States now existing, shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax, or duty, may be imposed on such importation, not exceeding ten dollars for each person.” The *fourth* clause is, “No capitation, or other direct tax, shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.”

The subject last referred to in the proviso, is contained in the first clause of Section 3. of Article 1. of the Constitution. in

these words: "The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote."

The Constitution therefore directs a clear mode of amendment, with two restrictive provisos.

No citizen at all acquainted with the history of this country, can for a moment doubt, that in the first clause of Section 9, the words, "the migration, or *importation*, of such persons as any of the States now existing shall think proper to admit," admits in substance the importation of African slaves, which was then carried on. Freemen emigrated—slaves were imported.

And as to the restriction preventing any change in the representation in the Senate, it is now a notorious fact, that under this clause the New England States of Maine, New Hampshire and Vermont, Massachusetts, Rhode Island and Connecticut, whose interests and policy are almost identical, have a representation of twelve Senators, which is now, and is destined to be, a greater representation in proportion to their population, than that of the larger States of New York, Pennsylvania and Ohio, and other rapidly increasing States. But this right of representation is permanently guaranteed to them, on the ground of State rights. The principle of State Rights is no new doctrine in the Constitution; special guarantees in its favor are as old as the instrument itself, and the New England States, therefore, should be equally liberal, and guarantee to the Southern States their peculiar State rights, although the abstract morale of it may not exactly agree with the religious views of New England. With the expediency and practice of it, in a Southern climate, and for Southern staples, New England and the other States have legally nothing to do; it is a matter of domestic economy, resting with the States choosing to exercise it.

Suffice it to say, that the same Constitution which guarantees to the small New England States, an equal representation in the Senate with the largest States for all time, upheld the importation of the African as a slave by the States, until A. D. 1808, and the right to his service or labor thus acquired and sanctioned, is legally as much entitled to a guarantee of protection, when in a minority, as a State right, as the right to

an equal suffrage in the Senate with larger and more populous States, was originally entitled to a guarantee, to secure this representation in the Senate, when in a minority, in this popular constitutional government.

The Constitution anticipates amendments and guarantees. Even Washington (*Pater Patrie*) seemed to apprehend the very difficulty that is now upon us, and in his Farewell Address, used the following language, in estimating the considerations of the Union. He says,

“ These considerations speak a persuasive language to every  
 “ reflecting and virtuous mind, and exhibit the continuance of  
 “ the Union as a primary object of patriotic desire. Is there  
 “ a doubt whether a common government can embrace so large  
 “ a sphere? Let experience solve it. To listen to mere specu-  
 “ lation in such a case were criminal. We are authorized to  
 “ hope that a proper organization of the whole, with the auxi-  
 “ liary agency of governments for the respective subdivisions,  
 “ will afford a happy issue of the experiment. It is well worth  
 “ a fair and full experiment. With such powerful and obvious  
 “ motives to Union, affecting all parts of our country, while  
 “ experience shall not have demonstrated its impracticability,  
 “ there will always be reason to distrust the patriotism of those  
 “ who in any quarter may endeavor to weaken its bands.

“ *In contemplating the causes which may disturb our Union,*  
 “ *it occurs as matter of serious concern that any ground should*  
 “ *have been furnished for characterizing parties by geographical*  
 “ *discriminations—northern and southern, Atlantic and west-*  
 “ *ern; whence designing men may endeavor to excite a belief*  
 “ *that there is a real difference of local interests and views.*  
 “ *One of the expedients of party to acquire influence within par-*  
 “ *ticular districts is to misrepresent the opinions and aims of*  
 “ *other districts. You cannot shield yourselves too much against*  
 “ *the jealousies and heart-burnings which spring from these*  
 “ *misrepresentations. They tend to render alien to each other*  
 “ *those WHO OUGHT TO BE BOUND TOGETHER BY FRATERNAL*  
 “ *AFFECTION.*”

Here is, in substance, an exact anticipation of our present difficulty and its causes, with his advice. Subsequently in the address he says,

“ If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, *let it be corrected by an amendment in the way in which the Constitution designates. But let there be no change by usurpation*; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield.”

Washington thus anticipates the difficulty in which we are now involved, and points out the way provided by the Constitution as the corrective remedy: “ Let it be corrected by an amendment in the way in which the Constitution designates. But let there be no change by usurpation.” This is the advice of the Father of our Country.

Let us show ourselves as capable of self-government in our day, as he and his compatriots, the founders of this nation, were in their day. They gave us the true basis of a Constitution and a manner of amending it. Much was implied by the principles upon which it was based, in the spirit in which it was created. We can make it specific and express to suit existing facts, and both save and strengthen the Union.

Some persons may say, that they will not compromise with Traitors. Such persons feed their personal objects or pride at the expense of the welfare of their country, and set themselves up in judgment of others, with the nation for their foot-stool. Such is not the spirit of “ fraternal affection ” in which this Republic was formed and is to be administered. Kings, Emperors may talk in such manner by an assumed divine right, not to deal with men as MEN, nor with things and circumstances as they find them. But the life of a republic is a spirit of mutual interest, compromise and good will *amongst and with men*, supported by the blessing of Almighty God.

Some persons may say, “ let the rebels lay down their arms first, and the other portion of the United States retain their arms, last.” Such persons may be sincere; but they expose themselves to the imputation, that they desire to enforce the Confiscation Acts, and free the slaves by force of the arms remaining in their hands, rather than a desire to promote the

peace and stability of the nation. Their position is impracticable in the nature of things, and is injudicious to say the least. Practically, such a course tends to fix and determine a separation of the States, and not to re-unite them. For whatever words may be used to express the present war, whether "rebellion" or "insurrection," the war is, in fact, one of States against States. This the Supreme Court of the United States recognize, and set forth in their decision on the prize cases, to justify seizure and condemnation. But apart from that, it is a palpable fact verified by organized armies *supported by regular appropriations*, that the war is one of States against States, the Northern States acting by or through the United States Government, and the Southern States acting by or through an organization which they style the Confederate Government.

If the rebellion was simply within a State, or parts of States, and not with the authority of States in their sovereign capacity, then the doctrine of submission might be hopeful: But for States to tell States to submit without guarantees, and in the face of confiscation acts, and free proclamations as "military necessity," is a hopeless request. No sovereign State would ever accede to such a demand, under such circumstances.

Let every true and Union citizen reflect on the foregoing propositions and remarks, and advise or petition the President and Congress, and the authorities of the respective States. They have the opportunity to act before conventions by the people could be elected in each State and assembled. The Border States alone are entitled to the guarantees.

The President of the United States can convene the Thirty-eighth Congress, and Congress can pass or propose the amendments to the States, and propose that the Legislatures may ratify them; with a proviso, that if the Legislatures shall fail to agree to their ratification by a fixed day, that on a certain day thereafter the people in the several States shall choose delegates for a State convention, in each State, to assemble at a certain time, to consider and act upon the subject of their ratification. Ninety days time would suffice to convene Congress, and ratify such measures through the Legislatures of the several States.

Upon their adoption by the Northern States, the South would

ratify and confirm them, and the rebellion and its causes and apprehensions would vanish, and a permanent peace be restored.

We can and should prosecute war when necessary, *to defend* the Constitution as it stands or may be amended; but that is no just reason why we should neglect or fail to fulfil the objects of Government; that is to *protect* all within its legal jurisdiction, or territorial limits, by specific averments of Constitutional rights. Such declared protection is the primary object of popular constitutional government, and itself is and should be made the great strength and basis of endurance of this nation.

The proposed Article 16, as an amendment on the subject of the currency, is intended to give express constitutional effect, to essentially the same system of legal tender or lawful paper currency as now established; but limited within such amount as will, in all reasonable probability, suffice to conduct the business operations throughout the vast extent of territory embraced within the limits of the United States, and supply the Government even in times of war. The advantage of an uniform currency, readily portable in its character, and of equal value in all places within the United States, cannot for a moment be reasonably doubted. The producer of grain in the far west should receive for the fruit of his labor, a currency which he can readily carry; and purchase his commodities in the East or South without being subject to onerous discounts, or expenses; which always detract directly from his well earned profits on his grain or other produce. A portable currency is necessary for such a widely extended country as the United States; and there is no power or authority to create such a currency except it be placed in the United States or general Government.

The States are prohibited from issuing bills of credit, as well as from coining money. That the United States is at present authorized to issue bills of credit, or paper, except as "securities" in evidence of money borrowed, is, to say the least, exceedingly questionable. Whether legal tender notes convertible into bonds or securities for money borrowed, are really within the meaning of the Constitution, admits of a doubt, although they are certainly a very ingenious device for the present relief of the government in time of war.

My understanding of the Constitution at present, as to issues

of paper, and currency, is, that the United States may borrow money and issue bonds or "securities" as evidences of debt for the money borrowed; and that the government may coin money, and that coin or money is "currency." The legal tender note of paper is a modern invention, never before known in fact as a borrowing of money, nor as a security for money borrowed. It certainly is not "coin." Coin is a metal possessing intrinsic value, impressed with the insignia of the government to make it currency.

While the States are prohibited from issuing bills of credit, it will be recollected that this is a *restriction* only on the original sovereign right of the States, or on the people to authorize the States respectively to issue such bills. But that restriction on the States or people does not confer the right to issue bills of credit, on the United States. All its powers are delegated, and if not delegated in the Federal Constitution, either expressly or by fair implication to carry some express power into effect, not otherwise provided for, it does not possess them; but they are reserved to the States or the people, unless prohibited; and if prohibited to the States, they may still, by amendment, be expressly conferred on the United States.

As the growth of the country is and will be rapid, and the existence of the debt to be represented by five hundred millions, or a less number of legal tender, or notes of currency, is now incurred; it would not be improper to expressly give a constitutional power, to establish such a currency as a peace measure, for the general civil business purposes of the country. The exigencies of war no doubt justified their issue as a temporary measure to "raise and support the Army," "and provide and maintain the Navy."

In a country of small area, coin might answer every civil purpose; but in this country, without a more portable currency, the expense of transporting coin, or the rates of exchange, often absorb the profits of labor, and cripple the advancement of industrial pursuits.

It is against public policy to embarrass or absorb the fruits of labor with exchanges, or unproductive expenses or charges. They too often make labor the slave of capital.

An uniform portable currency tends to relieve labor of this

consuming difficulty, and to make it free to enjoy the full fruits it shall yield.

As to the relative value of coin, and legal tender notes constitutionally issued for civil purposes,—The coin is alloyed and given a fictitious value not redeemable in anything; but capable only of having a certain amount of gold or silver extracted from it; whilst the legal tender note of the nation secured by the right of taxation, is represented by all the material wealth of the nation, real and personal estate of every kind, including both the gold and the silver, and all the other precious commodities. It is as enduring as the nation itself; and its issue and possession by citizens, is a pecuniary inducement or ground amongst other material reasons, for upholding and perpetuating the government. Hence the propriety of such a clause as the Article 16, to be expressly set forth in the Constitution.

As to the Article 13, Section 2, prohibiting Acts or Ordinances of Secession :

Inasmuch as the right has been claimed by the present seceding States, it is best to set the matter at rest by an express interdiction of that privilege. There would appear to be, or to have been, a misunderstanding, between the States in ratifying the Constitution, as to its nature in forming one compact nation, or in being only a compact between States, and divisible at pleasure; for strange to say, but none the less true, Virginia the Mother of States, the home of Washington, in ratifying the Constitution, did so, reservedly or only partially, not absolutely! for she annexed to her Act of ratification a Proviso, that the powers she conferred on the United States, might be withdrawn whenever they were abused! of which she undoubtedly intended to be herself the judge.

This remarkable reservation in her act of ratification, may in a great measure account for her present unfortunate condition, in attempting to exercise what she thus supposed to be a right reserved, to be exercised at her own discretion. Her acceptance into the Union by the other States, subject to this reservation which she made, would at least in fairness furnish at present a reasonable ground for concession and compromise,



and a peaceable adjustment of her present effort to exercise the reservation she thus made.

It may be said that the present President of the United States, Abraham Lincoln, will not convene Congress, and will not recommend such measures as here announced, because they are repugnant to the positions or enunciations he has already made. In reply I will remark, that, he has said that he would save Slavery if he could save the Union; as well as said that he would destroy Slavery, if he could, if that would save the Union. No doubt the President prefers if he can to abolish Slavery, but as he has made the "Union" paramount in his expressions of attachment to it, it might now reasonably be supposed, that he, the President, may now choose to pursue that high path of duty intimated by Washington, and marked out by the Constitution. And that he will recommend to the Congress, which he has the power to convene at any moment, such amendments for its concurrence, or proposition to the States in accordance with its provisions, as will guarantee to the disaffected States ample protection; which benefit "Protection" is the high attribute and object for which governments are created.

The issues of the life or the death of the nation are in the President's hands, under his power to convene Congress and recommend such measures, and his authority as Commander-in-Chief of the army and navy.

When the new Congress shall have proposed amendments, then the Legislatures of the States can ratify them, and the several Governors can convene the Legislatures speedily: or the Congress can provide that if they cannot agree to ratify them, they shall be referred to conventions in the States, all in accordance with the Constitution, as before stated herein.

The Northern States are in possession of the United States Government; the presumption amongst nations and men fairly is, that it being in possession, knows the duties it should exercise, and the manner of their presentation towards every portion of the country. It honors itself by fulfilling to the utmost its high duty to guarantee permanent protection, as well as to defend itself in war. If the President, the Congress, and the Legislatures of the States, will consider the

Union and the nation paramount to all other considerations, the provisions existing in the Constitution are ample to settle our present difficulty, and actually strengthen the Union, in less than ninety days.

In the meantime, military operations should remain in abeyance; there should be no invasive or aggressive movements made upon the Southern States. An armistice should be agreed upon as soon as Congress had assembled, or the order of the President to that effect had been issued. And the South should be left free from all threat or coercion, to accept or reject the guarantees, as becomes their sovereign powers and rights as States.

By pursuing this course, we will have peace, a permanent domestic tranquillity. Our great country will be established as one nation, and eventually Africa will be civilized, and be converted by the blessing of God from a barbarous into a Christian country; the final result of slavery in America.

The free States of the North need only to follow the directions of the Constitution, and the advice of Washington, and in his spirit. They need not and will not supplicate the South to accept them. The Constitution points out the mode and manner of action. It is fully equal to the emergency.

Neither will the States of the South beg the States of the North for the recognition and security of their sovereign rights, free from political attacks and constant jeopardy. There must be a voluntary spirit of harmony in our Federal Government for it to live, and this is perfectly consistent with separate State powers and rights even on the most diverse subjects. As well might it be expected that planets could be clashing against planets in the solar system, and it survive, as to expect that State rights can clash against State rights in our Federal Government, and the Union survive. The one is a physical, the other equally a political, impossibility. Each State must move with its local sovereignty and peculiarity perfect and protected, and the whole of the States can then move in harmony together for national purposes, under the Federal Constitution.

When the Northern, Middle and Western States entertain a full and just appreciation of the State rights of the South, and

acting under and in accordance with the directions of the Constitution of the United States of America, in that spirit which becomes the great and patriotic hearted people of the North and West, voluntarily tender to them, in a Constitutional form, permanent guarantees which will secure to them, as States, the enjoyment of domestic tranquillity with their now peculiar, but once a general, system of labor ; secure even when they become a minority of less than one-fourth of the States, and have no control over the power of amending the Constitution. That it shall not be disturbed by outside or foreign abolition agitation. When these guarantees to a reasonable and practical extent are voluntarily tendered by the national or Union people of the North and great West, as they inevitably should and will be to harmonize our Federal system, then the Southern States, extinguishing their dissoluble confederation of States, will accept and ratify such guarantees. The acts of ratification by the States will be all sufficient for the United States, and we shall have peace, prosperity throughout the land, and a permanent nation, free from any probability of division hereafter.

This great work, to succeed, must be supported by the Democratic party. Without your co-operation, and that of all patriot citizens, the result cannot be attained. And it is for you to determine whether you will maintain these measures and restore the nation to a new birth, baptized with fire and with blood, as it has been, to take its position as an enduring, self-sustaining and powerful Nation.

If you falter in this work, the nation is lost. The support of purely Abolitionists cannot be expected. The support of patriotic citizens who make their country and its Constitution paramount to all other considerations, and who reflect rightfully upon the nature of our government, will be obtained ; some may err, but it is to be trusted and hoped, that few will misapprehend so vital a subject as the principles of this Federal Government, and of specific guarantees to the minority of States.

If you persevere in these principles, with a firm reliance on the blessings and assistance of Almighty God, you will succeed and permanently re-establish the prosperity of your country.

The course you will pursue is the point for you to determine,

and I will now thus briefly leave the subject referring you again to the proposed guarantees, and conclude my remarks with the invocation : Stand firm and true to the Constitution, and amend it in the manner it provides ; let there be no change by usurpation.

Submitted respectfully, to the People.

WM. WHEELER HUBBELL.

*Philadelphia, May 22, 1863.*

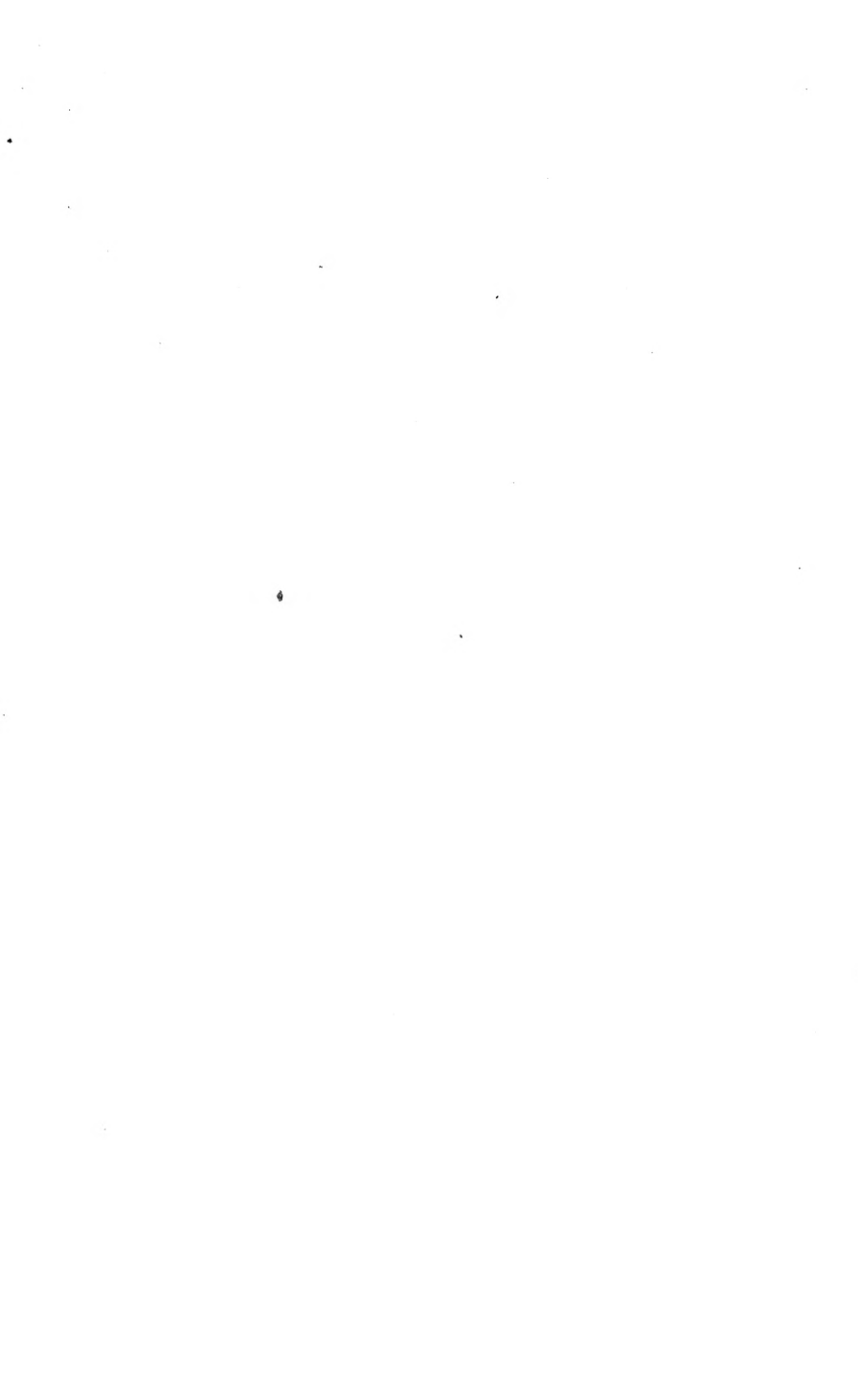














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